

## REMARKS

This Response is submitted in response to the Notice of Non-Compliant Amendment dated February 15, 2006. Claims 1 to 5 and 23 to 31 are currently pending in this application. Claims 1 and 23 to 29 have been amended. No new matter has been added by these amendments. Claim 2 has been canceled without prejudice or disclaimer. No fee is due with this Response; however, please charge Deposit Account No. 02-1818 for any insufficiency or credit the account for any overpayment.

According to the Notice, the Response to Office Action filed on April 7, 2004, is not fully responsive to the Office Action dated July 30, 2003. Applicants respectfully submit that the Response to Office Action filed on April 7, 2004, is responsive for at least the reasons discussed below.

### **1. Claims 1, 23 and 29 are drawn to an elected invention.**

According to the Notice, the Response to Office Action filed on April 7, 2004, is not fully responsive to the Office Action dated July 30, 2003, because the amended element of "adding a digit to the digits of the original award is drawn to a non-elected invention. In the Office Action dated October 2, 2002, claims directed to a single award modification method (species) illustrated in the drawings of the application were restricted. Claim 1, for example, was directed to a gaming device including a processor which rearranges the digits of an original award having a plurality of digits. Claim 9 was directed to a gaming device including a processor which adds a new digit to an original award having a plurality of digits, and Claim 16 was directed to a gaming device including a processor which removes a digit from an original award having a plurality of digits. Rearranging digits, adding a new digit and removing a digit of an original award were each alleged in the Office Action to be "patentably distinct species of the claimed invention."

Applicants elected Species E illustrated in Fig. 9. Fig. 9 illustrates a rearrangement of the digits of an original award having a plurality of digits. Original Claim 1 was directed to this species. Applicants also added Claims 30 (see Response to Office Action dated February 4, 2003) and later amended Claims 1, 23 and 29 (see

Response to Office Action dated July 30, 2003) to provide a gaming device including a plurality of different award modification methods.

Claims 1, 23 and 29 have been further amended to clarify that these claims are directed to more than one modification method, in contrast to withdrawn Claims directed to a single specific award modification method. In addition, Claims 1, 23 and 29 have been amended to clarify that one of the award modification methods includes, the elected Species E, a rearrangement of the digits of an original award. For example, Claim 1 has been amended to provide, among other elements, a plurality of different award modification methods, wherein a first one of the award modification methods includes individually adding a digit to the digits of the original award, and wherein a second one of the award modification methods includes rearranging the digits of the original award. Also, Claims 23 and 29 have been amended to provide, among other elements, a plurality of different award modification methods which are adapted to modify at least one of the digits of the original award, wherein a first one of the award modification methods includes individually adding a digit to the digits of the original award, and wherein a second one of the award modification methods includes rearranging the digits of the original award. Therefore, each of Claims 1, 23 and 29 are drawn to an elected invention.

**2. Dependent Claims 2 and 24 to 28 are proper dependent claims in compliance with 35 U.S.C. §112, fourth paragraph.**

According to the Notice, the Response to Office Action filed on April 7, 2004, is not fully responsive to the Office Action dated July 30, 2003, because dependent Claims 2 and 24 to 28 are improper dependent claims under 35 U.S.C. §112, fourth paragraph. The Notice interprets dependent claims, such as Claim 2, to provide a gaming device wherein the award modification method recited in the dependent claim *replaces* the award modification method recited in the independent claim. Claim 2 has been canceled and, therefore, the rejection of Claim 2 is now moot. Claims 24 and 26 have been amended and are in condition for allowance.

In addition, Claims 25, 27 and 28, which depend from Claim 23, have been amended to clarify that the award modification methods of Claims 25, 27 and 28 do not replace the award modification methods of Claim 23. To this end, each of Claims 25, 27 and 28 have been amended to provide an additional award modification method as a third one of the plurality of different award modification methods of the gaming device of Claim 23 in addition to the first and second award modification methods recited in Claim 23. For example, Claim 25 provides a third one of the award modification methods including regenerating an award from numbers used to form the original award in addition to, in Claim 23, a first one of the award modification methods including individually adding a digit to the digits of the original award and a second one of the award modification methods including rearranging the digits of the original award. Therefore, dependent Claims 25, 27 and 28 are proper dependent claims in compliance with 35 U.S.C. §112, fourth paragraph.

For at least these reasons, Applicants respectfully submit that Claims 1, 23 and 29 are drawn to an elected invention and should, therefore, be examined. Applicants further submit that dependent Claims 2 and 24 to 28 are proper dependent claims in compliance with 35 U.S.C. §112, fourth paragraph. Accordingly, Applicants respectfully submit that the Response to Office Action filed on April 7, 2004, is responsive.

An earnest endeavor has been made to place this application in condition for formal allowance, and such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY  \_\_\_\_\_

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